

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 and 8-15 are currently pending. Claims 1-6 and 8-14 are currently amended. Claim 7 is canceled without prejudice. Claim 15 is newly added. The changes and additions to the claims do not add new matter and are supported by the originally filed specification at least in original Claim 1 and 7.

In the outstanding Office Action, Claim 14 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claim 14 was rejected under 35 U.S.C. §102(b) as anticipated by Lyons et al. (U.S. Patent No. 6,282,412, hereafter “Lyons”); Claims 1-3 and 5-11 were rejected under 35 U.S.C. §103(a) as unpatentable over Miyake et al. (U.S. Patent No. 5,898,910, hereafter “Miyake”) in view of Lyons; Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Miyake in view of Lyons and Yamashita (U.S. Patent No. 20030027520); Claims 4 and 12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form (the Office Action stated “Claims 4 and 11” were objected to, however, Applicants note that this likely an error and should have read “Claims 4 and 12” since there is no applied art rejection to Claims 4 and 12).

Applicants thank the Examiner for the indication of allowable subject matter. However, Claims 4 and 12 are presently maintained in dependent form because Applicants believe that the independent claims include allowable subject matter.

With respect to the rejection of Claim 14 under 35 U.S.C. §101, Applicants respectfully submit that the amendment to Claim 14, which recites a computer-readable medium, overcomes this ground of rejection. M.P.E.P. §2106.01 states, “[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally

and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” Therefore, it is respectfully requested that this rejection be withdrawn.

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

setting information transmission means for transmitting setting information concerning broadcast reception of the reproducing apparatus itself and set by a user, to an external device, the setting information including area information indicative of an area where the reproducing apparatus receives broadcasts;

list information reception means for receiving list information detected by the external device, as a list including broadcast station names of receivable broadcast stations corresponding to the setting information, broadcast station identification information of the stations, and frequencies of the stations.

Figure 1 shows one non-limiting example of the present invention defined by Claim 1. In Figure 1, reproducing apparatus 1 includes setting information transmission means 1c for transmitting setting information of reproducing apparatus 1 to the broadcast station specify server 2, which is an external device.¹ The setting information includes area information which indicates the area where the reproducing apparatus 1 is located.² Figure 1 also shows list information reception means 1d for receiving list information from broadcast station specify server 2. The list information includes list broadcast station names of receivable broadcast stations corresponding to the setting information, broadcast station identification information of the stations, and frequencies of the stations.³

¹ See specification, at page 13, line 19 to page 14, line 7.

² Id.

³ Id., at page 14, lines 8-12

Applicants respectfully traverse the rejection based on Miyake and Lyons because the applied references (individually or in combination) do not show the specific claimed features noted below.

Miyake describes a receiver for receiving broadcast waves in which a main information signal such as an audio signal and an information data signal related to a broadcasting station transmitting the main information signal are multiplexed.⁴

The Office Action asserts that Miyake shows on Figure 1 and col. 5, lines 16-21 the claimed setting information transmission means for transmitting setting information concerning broadcast reception of the reproducing apparatus itself and set by a user, to an external devices, as defined by original Claim 1.⁵ However, this passage of Miyake only describes that a data signal from receiver circuit 12 is supplied to decoder 15, and then the processed data is transferred to control circuit 16. The data signal is Radio Data System data (RBDS data),⁶ which is data related to the broadcasting station and is not the same as setting information *concerning broadcast reception of the reproducing apparatus itself and set by a user*, as defined in Claim 1.

Additionally, as admitted by the Office Action, Miyake fails to describe a setting information transmission means that transmits setting information to an external device or list information reception means for receiving list information from the external device. The Office Action relies on Lyons to disclose these features.⁷

Lyons describes in Figure 3 a receiver 10 that includes a database card 12 which is used to store broadcast station information.⁸ However, the database card 12 must be updated from a separate computer or server before being inserted into the receiver 10.⁹ A receiver

⁴ See Miyake, at col. 1, lines 8-16.

⁵ See Office Action, at p. 4, Section 6.

⁶ See Miyake, at col. 1, line 17-21.

⁷ See Office Action, at page 5.

⁸ See Lyons, at col. 2, lines 33-44.

⁹ Id., at col. 3, lines 6-21.

that has a database card that needs to be updated on a separate computer is not the same as having reception means directly on the receiver itself for receiving list information detected by the external device. Therefore, Lyons fails to disclose or suggest *a reproducing apparatus which includes list information reception means for receiving list information detected by the external device*, as defined in Claim 1.

In other words, the Office Action admits that Miyake fails to disclose a reproducing apparatus that *includes* the list information reception means to receive list information from an external device, and Lyons also fails to disclose a reproducing apparatus that *includes* the list information reception means to receive list information from an external device because the receiver in Lyons uses a memory card that is updated from a completely separate device. Therefore, Lyons does not cure the deficiencies of Miyake as suggested by the Office Action.

Additionally, the Office Action further asserts that Lyons discloses, on col. 3, lines 8-10, that the setting information includes area information indicative of an area where the reproducing apparatus receives broadcasts, as defined in original Claim 7 and now incorporated into amended Claim 1.¹⁰ This passage in Lyons only describes that a user can enter information related to a geographic area such as a specified travel route between two cities. However, a disclosure in Lyons of a travel route between cities by itself is not indicative of an area where a reproducing apparatus receives broadcasts, and therefore does not correspond to the setting information defined in Claim 1.

Therefore, Miyake and Lyons, either alone or in combination, fail to disclose or suggest setting information transmission means *for transmitting setting information concerning broadcast reception of the reproducing apparatus itself and set by a user, to an external device, the setting information including area information indicative of an area where the reproducing apparatus receives broadcasts*, as defined by amended Claim 1.

¹⁰ See Office Action, at p. 7, Section 11.

M.P.E.P. §2143.03 requires that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested in the prior art. Therefore, with the applied art not having the features noted above, it is respectfully submitted that amended Claim 1 (and all associated dependent claims) patentably distinguish over Miyake and Lyons, taken either alone or in proper combination.

Yamashita has been considered but fails to remedy the deficiencies of Miyake and Lyons with regards to amended Claim 1.

Independent Claims 9, 13, and 14 recite features that are analogous to those of amended Claim 1. Therefore, it is respectfully submitted that Claims 1, 9, 13, and 14 (and all associated dependent claims) patentably distinguish over Miyake, Lyons, or Yamashita, taken either alone or in combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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